

E.D.N.Y. – Bklyn
18-cv-2949
Ross, J.

MANDATE

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 5th day of December, two thousand twenty-three.

Present:

Robert D. Sack,
Raymond J. Lohier, Jr.,
Maria Araújo Kahn,
Circuit Judges.

XOOM Energy, LLC, XOOM Energy New York, LLC,

Petitioners,

v.

23-1267

Susanna Mirkin, individually and on behalf
of all others similarly situated,

Respondent.

Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to immediately appeal the district court's order granting class certification. They also move for leave to file a reply. Upon due consideration, it is hereby ORDERED that the motion for leave to file a reply is GRANTED, but the Rule 23(f) petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139–40 (2d Cir. 2001).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe

Catherine O'Hagan Wolfe



MANDATE ISSUED ON 12/05/2023